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TORRANCE CITY COUNCIL – JANUARY 10, 2012

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At 12:17 a.m., Wednesday, January 11, 2012, the meeting was adjourned to Tuesday, January 24, 2012 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. **Tuesday, January 17 will be a Council dark night.**

January 10, 2012

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 7:02 p.m. on Tuesday, January 10, 2012 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland, and Mayor Scotto.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Sullivan, City Clerk Herbers, and other staff representatives.

2. FLAG SALUTE/INVOCATION

The flag salute was led by former councilman Paul Nowatka.

The non-sectarian invocation was given by Councilmember Rhilinger.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO
WAIVE FURTHER READING**

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, January 5, 2012, with an addendum posted on Friday, January 6.

MOTION: Councilmember Barnett moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

City Manager Jackson announced that Agenda Item 8H had been withdrawn and addendum Item 8I was added on Friday, January 6.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Rhilinger announced that her health issues have been resolved, therefore, she has decided to seek a second term on the City Council in the June 2012 election.

City Clerk Herbers reminded those certified to apply for commission appointments that applications may be submitted no later than 5:30 p.m. on Wednesday, January 18, for appointments to be made by the City Council on January 24. She announced that two additional openings recently became available on the Traffic Commission and Civil Service Commission and noted that the Local Appointments List can be found at <http://www.torranceca.gov/1936.htm>.

City Clerk Herbers announced that the works of Torrance Artist Guild member Shirley Robinson will be on view in the City Clerk's office for the month of January.

Mayor Scotto thanked Councilmember Sutherland for serving as Mayor Pro Tem for the past six months and welcomed Councilmember Brewer, who will be serving as Mayor Pro Tem through June 30, 2012.

6. COMMUNITY MATTERS

6A. RECOGNITION OF SOUTH HIGH MARCHING BAND AND COLOR GUARD

Mayor Scotto congratulated the **South High Marching Band and Color Guard** for winning the 2011 State Band Champion title at the Southern California Judging Association Championship and presented a recognition plaque to South High School Band Director Tom King and members of the marching band and color guard.

6B. PRESENTATION OF TORRANCE LIBRARY SMARTPHONE APP

City Librarian Theyer announced the launch of the Torrance Library Smartphone App, noting that it allows residents to manage their library accounts from their smartphone, iPad or tablet computer and includes links to the Library's calendar of events, Facebook page, and historic newspaper database. She thanked the Friends of Torrance Library for funding for the first two years of this service.

Consent Calendar Item 8D was considered out of order at this time.

8D. ACCEPTANCE/APPROPRIATION OF FRIENDS OF TORRANCE LIBRARY DONATION

Recommendation

Recommendation of the Community Services Director that City Council accept and appropriate a \$14,590 donation from the Friends of the Torrance Library to fund youth programs and activities at the Torrance Public Library.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhlinger and passed by unanimous vote.

Friends of the Torrance Library President Helen Ball and Secretary Teresa Covey presented a check to City Librarian Theyer, who accepted with appreciation.

Ms. Ball announced that the Friends of Torrance Library will be holding a book sale on Saturday, January 21, at the Katy Geissert Civic Center Library.

On behalf of the Torrance Library Commission, Harry Ross commended the Friends of Torrance Library for their ongoing support of the library.

7. ORAL COMMUNICATIONS

7A. Bob Habel, Torrance Rose Float Association, reported that Torrance's 2012 Rose Float was awarded the Governor's Trophy for best depiction of life in California. He stated that ACE Clearwater Enterprises has generously donated half the cost for the 2013 float, but the association still needs to raise \$75,000. He announced upcoming "Restaurants for Roses" fundraisers on Thursday, January 12, at Ruby's in Rolling Hills, and Thursday, January 19, at Soup Plantation on restaurant row, noting that in order to get credit for the

donation participants must bring flyers that are available in the West Annex or online at www.TorranceRoseFloatAssociation.com.

7B. Mike Kraus, Torrance Symphony Association, announced that the Torrance Symphony will be presenting a concert celebrating Torrance's Centennial on Saturday, January 21, in the Armstrong Theatre at 8:00 p.m.

7C. Janet Payne, Torrance Women's Club, announced that the Torrance Women's Club will be holding a Valentine Tea at their historic landmark clubhouse on Sunday, February 12, which will include a slide show featuring 100 years of Torrance history.

7D. Janet Payne, Torrance Historical Society, announced a Works in Progress presentation on Jared Sidney Torrance on Wednesday, February 29, at the Nakano Theatre.

7E. Dick Rossberg, Torrance, provided a list of questions he would like answered at the hearing on the proposed sanitation fee increase to be held on January 24, 2012.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of November 22, 2011.

8B. NOVEMBER 2011 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for November 2011.

8C. MAINTENANCE SERVICE AGREEMENT FOR DATA NETWORK DEVICES

Recommendation

Recommendation of the Information Technology Director that Council approve the purchase of a SmartNet maintenance service agreement from Cisco Systems, Inc. of San Jose, CA for data network equipment maintenance services in the amount of \$75,882.87.

8D. ACCEPTANCE/APPROPRIATION OF FRIENDS OF TORRANCE LIBRARY DONATION

Considered out of order, see page 2.

8E. PURCHASE OF 2012 CHEVROLET CREW CAB CHASSIS WITH UTILITY BODY

Recommendation

Recommendation of the General Services Director and Public Works Director that City Council authorize a purchase order to Inland Chevrolet of Hemet, CA in the amount of \$49,769.73 (including sales tax, tire, and delivery fees) for the purchase of one (1) new and unused model year 2012 Chevrolet Silverado 3500 HD Crew Cab 2WD and chassis with utility body, generator and air compressor.

8F. PURCHASE ORDER FOR EXTENDED REACH WATER VALVE OPERATORS, WATER JET SYSTEMS AND TRAILER

Recommendation

Recommendation of the Public Works Director that City Council award a purchase order to Pacific Tek of Santa Ana, CA in the amount of \$48,508 for the purchase of two (2) extended reach water valve operators, two (2) water jet systems and one (1) trailer including installation (B2011-51).

8G. FEE AGREEMENT RE LEGAL SERVICES

Considered out of order, see page 5.

8H. PURCHASE ORDERS FOR GASOLINE AND DIESEL FUEL

Recommendation

Recommendation of the General Services Director, Transit Director, and Fire Chief that City Council authorize three purchase orders with Southern Counties Oil Company of Orange, CA in a combined total amount not to exceed \$3,000,000 annually to provide California Air Resources Board (CARB) approved fuel and gasoline on an as requested basis for a three year term beginning January 1, 2012 and ending December 31, 2014. (B2011-46)

Item was withdrawn.

8I. CHANGE ORDER FOR EXTENSION OF FUEL CONTRACT

Recommendation

Recommendation of the General Services Director that City Council authorize a change order to the City's purchasing agreement with Petro-Diamond Inc. of Irvine, CA, extending the term of service from December 31, 2011 through February 29, 2012. *ADDENDUM ITEM – added Friday, January 6, 2012.*

MOTION: Councilmember Furey moved for the approval of Consent Calendar Items 8A through 8C, 8E, 8F, and 8I. The motion was seconded by Councilmember Numark and passed by unanimous vote.

Consent Calendar Item 8G was considered separately at this time.

8G. FEE AGREEMENT RE LEGAL SERVICES

Recommendation

Recommendation of the City Attorney that City Council:

- 1) Approve first amendment to the fee agreement with Rutan & Tucker to provide legal services in the case of Bazilius v. City of Torrance, et al., for an additional \$125,000, for a total amount not to exceed \$160,000; and
- 2) Appropriate \$110,000 from the Self-Insurance Reserve Fund.

Councilmember Brewer suggested that it might be more cost effective to hire additional City Attorney staff rather than contracting with outside legal counsel.

Assistant City Attorney Sullivan confirmed that staffing reductions have made it necessary to hire outside legal counsel for cases that could be handled in-house by City Attorney's office staff.

MOTION: Councilmember Brewer moved to concur with the staff recommendation. The motion was seconded by Councilmember Furey and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. MODIFICATIONS TO THE CAPITAL BUDGET FOR FY 2011-2012

Recommendation

Recommendation of the City Manager and the Finance Director that City Council adopt a Resolution approving modifications to the fiscal year 2011-2012 Capital Budget.

Mayor Scotto noted supplemental material available at the meeting.

With the aid of slides, Finance Director Tsao provided an overview of the proposed modifications to the fiscal year 2011-2012 Capital Budget, which include two Redevelopment Agency funded projects (Pedestrian Improvements/Decorative Lighting); the allocation of El Camino Training Funds to the Fire Department's Apparatus Replacement Fund; and McMaster Park Project modifications.

Economic Development Manager Fulton and Mike Grimshaw, CEO, briefly discussed the South Bay Entrepreneurial Center, a new business incubator project for which \$100,000 in seed money has been allocated from the Economic Development Reserve Fund.

Councilmember Sutherland commented positively on the South Bay Entrepreneurial Center, relating his belief that the \$100,000 in funding was money well spent.

Mayor Scotto and Councilmember Numark echoed Councilmember Sutherland's remarks and commended the volunteers who are assisting with the creation of the SBEC.

In response to Councilmember Brewer's inquiry, City Manager Jackson provided clarification regarding his recommendation that \$350,000 in El Camino Training Funds be allocated to the Fire Apparatus Replacement Fund rather than constructing additional bays at Fire Stations 2 and 5 for the storage of reserve engines.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

RESOLUTION NO. 2012-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE ANNUAL APPROPRIATION FOR THE CITY OF TORRANCE 2011-2012 CAPITAL BUDGET

MOTION: Councilmember Brewer moved to adopt Resolution No. 2012-01. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

12B. ESTABLISHMENT OF CITY OF TORRANCE AS SUCCESSOR AGENCY TO REDEVELOPMENT AGENCY

Recommendation

Recommendation of the Community Development Director that City Council adopt a Resolution establishing the City of Torrance as the successor agency to the Redevelopment Agency of the City of Torrance.

Planning Associate Martos reported that staff was recommending that the Council take this action due to the December 29, 2011 Supreme Court ruling that upheld ABX1-26, which dissolved Redevelopment Agencies in the State of California.

In response to Councilmember Brewer's inquiry, Planning Associate Martos confirmed that if the City does not establish a successor agency, all of the Redevelopment Agency's assets would be handed over to the State.

Councilmember Sutherland noted that State legislators have maintained that they didn't understand the consequences of ABX1-26 when they approved it and voiced his opinion that legislators should never vote on something they do not fully understand.

Mayor Scotto expressed disappointment that the State has taken this action, noting that Torrance's Redevelopment Agency has been very successful in cleaning up blighted areas and it provided the funding that enabled the City to acquire the property for the building of American Honda's headquarters thereby bringing 5000 jobs to Torrance.

Noting that the City had planned to use Redevelopment Agency funds to build workforce housing, Councilmember Brewer questioned whether the City's RHNA (Regional Housing Need Assessment) allocation would be revised downward since it no longer has this tool.

Community Development Director Gibson stated that even though Redevelopment Agencies are the main driver of affordable housing, no action has been taking concerning RHNA allocations.

Charles Deemer, Torrance, asked about the status of the workforce housing project on Cabrillo that had been discussed, and Mayor Scotto advised that there would be no funding available for the project in the foreseeable future.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ELECTING TO HAVE THE CITY OF TORRANCE SERVE AS THE SUCCESSOR AGENCY TO AND TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED THE REDEVELOPMENT AGENCY OF THE CITY OF TORRANCE PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTIONS 34173 AND 34176

MOTION: Councilmember Brewer moved to adopt Resolution No. 2012-02. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

13. HEARINGS

13A. ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS

Recommendation

Recommendation of the Community Development Director that City Council conduct a public hearing, consider public input and adopt a Resolution authorizing the allocation of 2012 Community Development Block Grant funds with the Federal Housing and Urban Development as follows:

- | | |
|---|-----------|
| 1) City-wide Sidewalk Repair for handicap accessibility | \$534,847 |
| 2) Downtown Sidewalk Repair for handicap accessibility | \$100,000 |

Funding: Estimated \$634,847 in CDBG funds to be made available for 2012 projects.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Deputy Community Development Director Cessna briefly reviewed the recommended projects.

As no one from the public came forward to speak, the public hearing was closed.

MOTION: Councilmember Barnett moved to close the public hearing. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

MOTION: Councilmember Barnett moved to concur with the staff recommendation. The motion was seconded by Councilmember Rhilinger and passed by unanimous vote.

RESOLUTION NO. 2012-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE CITY OF TORRANCE REVISED COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2012-2013

MOTION: Councilmember Brewer moved to adopt Resolution No. 2012-02. The motion was seconded by Councilmember Sutherland and passed by unanimous vote.

City Council took a brief recess from 8:20 p.m. to 8:38 p.m.

13B. CUP09-00013, DVP09-00001, MOD09-00003 (CUP65-38), EAS09-00003: DEL AMO 5, LLC – CARSON STREET/ DEL AMO CIRCLE DRIVE

Recommendation

Recommendation of the **Planning Commission** that City Council deny the appeal and adopt Resolutions denying without prejudice a Conditional Use Permit, Development Permit, and Modification of a previously approved Conditional Use Permit (CUP65-38) to allow a senior housing development on property located in the HBCSP-DA1 Zone at the northeast corner of Carson Street and Del Amo Circle Drive, west of Hawthorne Boulevard. CUP09-00013, DVP09-00001, MOD09-00003 (CUP65-38), EAS09-00003: Del Amo 5, LLC

Recommendation of the **Community Development Director** that City Council approve the appeal and adopt Resolutions approving a Conditional Use Permit, Development Permit, and Modification of a previously approved Conditional Use Permit (CUP65-38) to allow a senior housing development on property located in the HBCSP-DA1 Zone at the northeast corner of Carson Street and Del Amo Circle Drive, west of Hawthorne Boulevard. CUP09-00013, DVP09-00001, MOD09-00003 (CUP65-38), EAS09-00003: Del Amo 5, LLC.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed senior housing development, which consists of a five-story 208,462 square-foot building with a two-level subterranean garage. He advised that no Zone Change was being proposed because residential uses are allowed on this site with the approval of a Conditional Use Permit. He explained that the project has been revised since it was considered by the Planning Commission and the size and general layout of the building

remains the same, but the units have been downsized and their number has been increased from 190 to 225. He reported that the Planning Commission considered the project on May 4, 2011 and ultimately voted to deny the project without prejudice by a vote of 5-0, with two commissioners absent, after a motion to approve the project failed by a vote of 2-3.

Councilmember Brewer related his understanding that there is no developer or operator currently associated with the project and questioned whether the project will be built as proposed or if it is more of a conceptual plan.

Planning Manager Lodan advised that entitlements run with the land and should the project be approved, the project can be built by any developer as long as the entitlements remain active.

Councilmember Furey disclosed that he attended a meeting of the Southwood Homeowners Association in 2009 at which this project was first presented to the community and subsequently met with the proponent approximately 9 months ago to review another iteration of the project.

At Mayor Scotto's request, Community Development Director Gibson discussed the consequences with regard to Torrance's state-mandated RHNA (Regional Housing Needs Assessment) allocation should residential development be prohibited in the Hawthorne Boulevard Corridor as some residents have suggested.

Noting that two other residential projects have been proposed and rejected for this site, Mayor Scotto reported that he reviewed the videotapes from the Council meetings when they were discussed and speakers indicated they favored a senior housing project because it would not impact schools and would have less of an impact on traffic.

Keith Palmer, Bryant, Palmer, Soto, Inc., project architects, referring to written material submitted for the record, provided background information about the project, which consists of rental units for seniors with both independent and assisted living components, and noted that the applicant has agreed to a condition prohibiting the conversion of the units into condominiums. He reported that this concept was developed in conjunction with the Senior Resources Group (SRG), a developer/operator of senior living facilities, and they as well as other operators have expressed an interest in the site, but none have committed to the project due to the ambiguity of the entitlement process and in addition, Norm La Caze of La Caze Development, who is a minority partner, has indicated that he would consider developing the project. He related his belief that the proposed project is the best use for the site as it would minimize the impact on the surrounding neighborhood.

Mr. Palmer reported that the Planning Commission rejected the project due to concerns from residents of Village Court Del Amo, a nearby senior condominium development, and he subsequently met with board members of the HOA to review the plans and explain what could be built on this site without going through the Conditional Use process and the board voted to no longer object to the project.

Mr. Palmer briefly reviewed the revisions that were made to the project after the May 4, 2011 Planning Commission meeting, noting that units were downsized so that they are all now studio-style units and the size of common space was increased to provide more amenities, including gourmet kitchens on each floor so residents can cook meals in a group setting.

Responding to questions from the Council, Mr. Palmer provided clarification regarding the project's FAR, the ownership of the site, and the new parking structure to be built for the office complex to make up for the loss surface parking. He reported that there are no plans for developing Parcel C at this time, but the impact of a similar residential development was included in the traffic study as a worst case scenario.

Councilmember Brewer expressed concerns that the City could end up with another abandoned construction site like the Sunrise senior assisted living project further south on Hawthorne Boulevard. He questioned when construction would begin if the project was approved and Mr. Palmer estimated that it would be at least two years.

Councilmember Furey asked if Mr. La Caze or any of the other partners in Del Amo 5, LLC have experience in developing senior housing, and Mr. Palmer indicated that they do not.

Councilmember Furey stated that his concept of mixed-use developments has never included office towers and a senior assisted living facility, and related his understanding that there are no similar projects in Torrance.

Planning Manager Lodan advised that there is a broad spectrum of components in mixed-use developments and cited the Begonia Village project and the senior condominium project on Sepulveda Boulevard, which are considered mixed-use.

Councilmember Furey noted that neither of the projects mentioned include an office tower.

Mr. Palmer reported that there have been discussions with the owner of the office tower about leasing Pavilions D and C to restaurants, which did not come to fruition, but this could be an option in the future and Mr. La Caze is also interested in possibly developing a restaurant on Parcel C.

In response to Councilmember Numark's inquiry, Mr. Palmer explained that the decision to propose a senior project for this site was based on feedback from the community and a market analysis that indicated there was sufficient demand for this type of project.

Councilmember Rhilinger asked about laundry facilities, since laundry service will only be provided for those in assisted living units. Mr. Palmer reported that the plans call for laundry facilities in the basement, but they could be modified to either put stacked washer/dryers in the units or have laundry facilities on each floor. He related his experience that most residents in senior living facilities do not do their own laundry. He noted that storage is also in the basement, but a storage area could be created on each floor for convenience.

Responding to questions from the Council, Mr. Palmer advised that the 37 units on the ground floor will be able to accommodate residents with Alzheimer's disease and some of the operators with whom he has spoken have expressed an interest in increasing this number, which can be done by adding more units on the ground level or creating a two-level secured area. With regard to demand for senior living facilities, he reported that 6 of 7 facilities in the area that were surveyed had occupancy rates between 90 and 100%.

Councilmember Barnett expressed concerns that rooftop decks may pose a hazard to senior residents. Mr. Palmer explained that the City's Code is geared toward traditional senior apartments and requires a certain amount of open space and this requirement is satisfied by the rooftop decks.

Councilmember Barnett noted that there was discussion at the Planning Commission meeting about installing a traffic signal at Del Amo Circle and Carson Street and he was inclined to support this idea.

Councilmember Numark asked to what degree the plans could be modified once the project has been approved.

Planning Manager Lodan advised that minor interior modifications could be approved during the plan check process and other changes that do not affect the essence of the project in terms of the height, size, and FAR could be approved administratively by the Community Development Director, but any substantial changes would have to be approved by the Planning Commission.

Councilmember Brewer indicated that he would be more comfortable if a representative from SRG was present to confirm the viability of the project. Mr. Palmer reported that a representative of SRG was present when an earlier iteration of the project was presented to the Planning Commission in January 2010, but the project was rejected.

Mayor Scotto invited comments from the public.

Steve Russell, president of the Village Court Del Amo Homeowners Association, provided background information regarding the HOA Board's decision to no longer oppose the project because it is considered to have the least impact on the condominium development as compared to other commercial/office uses that could be built on this site.

In response to Councilmember Numark's inquiry, Mr. Russell reported that the HOA Board's primary concern is vehicular and pedestrian traffic and they would be inclined to oppose medical offices or a commercial use on this site because it would have a greater impact. He stated that they also had been concerned that the project would compete with Village Court Del Amo for homebuyers, but this is no longer an issue since they have been assured that the units will be rentals.

Councilmember Brewer noted that Mr. Palmer mentioned the possibility that a restaurant would be built on Parcel C and Mr. Russell responded that he had not heard that before and had hoped that the senior living facility would eventually be expanded to Parcel C.

Richard Beaver, Village Court Del Amo, voiced his opinion that the proposed senior housing development would have the least impact on his complex.

Ralph Mangione, Village Court Del Amo, voiced objections to the project, relating his belief that the traffic study was inadequate because it failed to consider the impact of visitors and delivery trucks. He noted his disagreement with the concept of not opposing a project because something else could be worse. He urged the Council to trust the Planning Commission's decision and reject the project.

Sandi Monda, Talisman Street, requested that a traffic signal be installed at Del Amo Circle/ Carson Street with no right turn on red, noting that the applicant has agreed

to pay for the installation. She noted that staff is opposed to the signal due to the proximity to the signal at Hawthorne Boulevard/Carson Street, however there is a similar distance between signals on Torrance Boulevard. She expressed concerns that the assisted living units appear to have been eliminated from the project because the current proposal calls for 188 independent senior living units and 37 Alzheimer's units, relating her belief that the independent units will generate more traffic. She also expressed concerns about the piecemeal development of this site.

Joan Pacina, Ocean Avenue, reiterated the request for a traffic signal at Del Amo Circle/ Carson Street due to the project's impact on the Southwood area. She voiced her opinion that the project was not consistent with the goals of the Hawthorne Boulevard Corridor Specific Plan, which is "to preserve the corridor as a retail and commercial backbone for the City of Torrance and to protect existing residential neighborhoods from intrusive impacts." She expressed concerns about the project's impact on the Police and Fire Department, particularly paramedic services, and urged that it be denied. She requested that notification letters be sent out earlier for projects of this magnitude.

Planning Manager Lodan clarified that the Hawthorne Boulevard Corridor Specific Plan envisioned the potential for mixed-use projects in the Del Amo Sub-district, therefore residential uses are allowed with the approval of a Conditional Use Permit to ensure that the project is appropriate for the particular location and complementary to the area.

Joyce Jimenez, Patronella Avenue, voiced objections to the proposed project, relating her belief that this commercial corridor must be preserved to protect the City's future. She indicated, however, that she would consider this project to be a business if all the units were assisted living. She requested that consideration be given to removing the residential element from the Hawthorne Boulevard Corridor Specific Plan.

Charles Deemer, Talisman Street, related his belief that a senior independent/assisted living project would be appropriate for this area due to the proximity to the hospital and medical offices. He questioned how long the project would take to build and whether construction would be suspended during the holiday shopping period due to its location near the shopping mall.

The Council briefly recessed from 10:57 p.m. to 11:04 p.m.

City Clerk Herbers submitted letters from Charlotte Gregory and Dorothy Miller, both in opposition to the project, for the record.

Returning to the podium, Keith Palmer clarified that the independent living units are not the same as apartment units because services are provided to all residents, with a minimum level of 1 meal per day. He explained that the units are flexible so that residents can transition from independent to assisted living based on the level of services they need; that all the units have the potential of being assisted living units; and that operators prefer a mix in the range of 50% independent living/ 50% assisted living or 60%/40%. With regard to Parcel C, he noted that there have been discussions with senior living facility operators who have expressed an interest in developing the entire site, which would be approximately 141 more units. He expressed his willingness to refine the plans based on comments this evening, however he did not favor eliminating roof decks as this would require approval of a Variance.

Councilmember Numark reiterated concerns that an operator is not attached to this project.

Mr. Palmer explained that SRG did not want to invest any more money in the project without having the entitlements since a Conditional Use Permit is required. He noted that the process is more straight forward in cities that have zoning and design criteria for this type of use, in which case the developer knows the parameters and just has to conform to the zoning requirements. He pointed out that the Conditional Use Permit is valid for one year, which would allow plenty of time to firm up a deal with an operator, secure financing, and tweak the floor plans since each operator has their own preferred layout.

In response to Councilmember Furey's inquiry, Community Development Director Gibson advised that from a land-use perspective an independent/assisted living facility is considered a residential use, not a business as Ms. Jimenez had suggested.

Councilmember Barnett asked if the project would generate revenue for the City, and Mayor Scotto reported that the development would be subject to yearly business license fees, which include a per employee fee, as well as one-time fees associated with building the project, such as building permit fees and development impact fees.

MOTION: Councilmember Brewer moved to close the public hearing. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Councilmember Furey briefly reviewed the history of this site, noting that a 360-unit apartment complex was proposed by Fairfield in 2000-2001 and a 226-unit condominium project was proposed by Shea Homes in 2005 and both projects were rejected due to strong opposition from residents to building to a residential development at this location. He reported he was part of the coalition of homeowner associations that banded together to oppose the Shea project at the April 19, 2005 City Council meeting and among the issues cited were the project's negative impact on traffic and schools and the need to preserve and accentuate the Hawthorne Boulevard Corridor's prominence as the retail/commercial backbone of Torrance and the South Bay.

Councilmember Furey related his belief that the plans were conceptual and speculative at best and that the Council was being asked to approve an entitlement rather than a project since there were so many variables and holes in the design. He expressed concerns that only one operator has been identified as possibly being interested in the project and the developer has no experience with this type of facility, noting that the skeletal remains of the Sunrise assisted living project, which was supposed to be one of the largest in the country, are right down the street on Hawthorne Boulevard. He reported that in 2004-2005, the Torrance Area League of Women Voters provided a study on overdevelopment in Torrance in which they cautioned against approving a project simply because the word "senior" was attached to it. Indicating that he would not support the project, he cited compatibility issues; the importance of maintaining the integrity of the retail/commercial core of the City; and the density of the project, which is almost the exact number of units that was proposed by Shea Homes on a much larger parcel. He reiterated his opinion that this is not a mixed-used project.

Councilmember Sutherland expressed concerns that there seems to be no type of development that residents would find acceptable on this site since they have indicated that they would be opposed to residential uses, restaurants, medical suites, or another

office tower as was approved in 1965. He suggested that it would be helpful if homeowners got together and decided what they would like to see on this site since something must be built there. He recalled that residents opposed the building of the Village Court Del Amo condominium project, and now residents of that complex are opposing this one. Noting that his parents lived in an assisted living facility for five years, he related his experience that the primary reason people move there is because they can no longer drive and estimated that only about one-third of residents in his parents' facility drove.

Councilmember Rhilinger agreed with Councilmember Furey that the project before Council was an entitlement, not a plan because there were too many areas of uncertainty and noted her objections to the density of the project and the rooftop decks. She stated that she viewed the project as more of an independent living facility since only the ground floor units are identified as assisted living and this is the only floor with a nurses' station, relating her understanding that there are special licensing requirements for assisted living facilities. She expressed concerns that the project could place a strain on paramedic services due to the large number of elderly residents and minimal medical staff. She recommended if the project is approved, that there be a controlled pedestrian crossing to provide a safe access to restaurant row.

Councilmember Barnett stated that even though the project does not require the site to be rezoned, he was concerned that approving it would be perceived as "de facto" rezoning because the City would end up with a residential project in the middle of a commercial corridor and this could create problems in the future. He expressed concerns about the emphasis placed on meeting the City's RHNA housing quota in recent years, relating his belief that it should not be the basis for making a decision on this project. He conceded that there is a need for this type of facility in Torrance, but indicated that he thought the proposed project was too dense. Noting the permitted uses include medical/professional/governmental offices, banks and credit unions, and retail and commercial establishments, he voiced his opinion that the applicant is already entitled to build something that fits within a commercial corridor. He expressed an interest in reviewing the Hawthorne Boulevard Specific Plan with staff.

Councilmember Brewer noted that when he ran for office in 2006, he campaigned on "smart growth" not "no growth." He voiced his opinion that there is a need for this type of facility in Torrance so elderly residents can remain near their families. He indicated that his only problem with the proposed project is that there are so many nebulous areas and he would feel more comfortable if the loose ends were tied up. He stated that as a Councilmember, he not only represents the residents of Torrance, but also the people who want to build in Torrance and related his belief that if a project is rejected, the Council should offer some direction. He recommended if the project is approved, that any time extension for the entitlements be approved by the City Council.

Mayor Scotto reported that he got elected on his stand against the rezoning of commercial and industrial property, however, this project does not involve any rezoning. He suggested that this property's history has made the development process more difficult, noting that the Council Chamber was filled to capacity with an overflow crowd in the West Annex when the Shea Homes project was considered. He related his belief that an assisted living facility, with the right operator, is the best project for this site and proposed postponing a decision on the project until a later date when the applicant can return with a committed operator and other questions that have been raised can be

answered. He noted that he typically does not like to delay a decision on a project, but he felt that this was one of the rare cases where it makes sense.

Councilmember Furey noted that the proponent had an opportunity to submit revised plans to the Planning Commission but chose instead to bring the project to the City Council. He voiced his opinion that any revised project should be vetted by the Community Development Department and the Planning Commission.

A brief discussion ensued regarding whether to have the revised project reviewed by the Planning Commission or returned directly to the City Council.

Noting that the Council was giving the impression that an assisted living facility might be approved on this site if an operator can be secured and the plans are solidified, Councilmember Brewer expressed concerns the proponent could spend time and money revising the plans only to have the project rejected.

Councilmember Numark responded that it was difficult to determine if this is an appropriate project for this site since the proposal that has been presented does not seem "fully baked," and he felt that the proponents will have to assume the risk that the project could be rejected if they decide to proceed.

Mayor Scotto expressed concerns that if the proponents decide to pursue another type of project, such as an office building or restaurants, the Council could be faced with a project that would have a much greater impact on the area. He indicated that he would not support a more typical mixed-use development with retail on the ground floor and residences above because this type of development has not been successful in other parts of the City.

Councilmember Brewer reiterated his position that Councilmembers should provide some direction to the proponents regarding what they would find acceptable on this site.

In response to Mayor Scotto's inquiry, Community Development Director Gibson explained the distinction between denying a project and denying a project "without prejudice."

MOTION: Mayor Scotto moved to deny the project without prejudice and to send the matter back to the Planning Commission. The motion was seconded by Councilmember Sutherland and passed by a 5-2 vote, with Councilmembers Barnett and Brewer dissenting.

Community Development Director Gibson noted that Resolutions reflecting the Council's action will be brought back for approval at a later date.

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The City Council met as the Redevelopment Agency from 12:08 a.m. to 12:10 a.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Furey announced that for the eighth consecutive year, Toyota Motor Sales has donated a vehicle to be raffled off to benefit Torrance schools and that raffle tickets for the 2012 Lexus hybrid are available for \$30, \$20 of which goes directly to the school or school organization specified. He noted that the raffle will take place at the annual Celebrate Education dinner on March 23.

17B. Councilmember Furey announced that the Torrance Theatre Company will be presenting *The Complete Works of William Shakespeare* beginning this weekend.

17C. Councilmember Numark invited the public to attend Torrance Symphony's Centennial Celebration concert on Saturday, January 21, at 8:00 p.m. in the Armstrong Theatre.

17D. Councilmember Sutherland shared a quote from Martin Luther King in honor of the Martin Luther King holiday on Monday, January 16.

17E. Councilmember Barnett congratulated the Torrance Rose Float Association on their award-winning float and thanked TRFA president Mary Hoffman and all the volunteers for their efforts.

17F. Councilmember Brewer announced that Centennial merchandise, including T-shirts, sweatshirts and "Lights, Camera, Action" postcards, will be available for purchase at the Torrance Farmers Market on Saturday, January 21, from 8:00 a.m. to noon.

17G. Councilmember Brewer encouraged everyone to mark their calendars for the Celebrate Education dinner on March 23.

17H. Mayor Scotto extended birthday wishes to City Clerk Herbers, who celebrated a birthday last Friday, and City Manager Jackson, who celebrated a birthday last Sunday.

17I. Mayor Scotto noted that the senior housing project considered this evening was the most controversial project this Council has had to contend with and commended his colleagues on the Council for their ability to disagree while still remaining cordial.

18. EXECUTIVE SESSION
None.

19. ADJOURNMENT

At 12:17 a.m., Wednesday, January 11, 2012, the meeting was adjourned to Tuesday, January 24, 2012 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber. **Tuesday, January 17 will be a Council dark night.**

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on March 13, 2012